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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,802	12/21/2001	Toshiaki Fujii	TOK982018USP	5368
23413 7590 08/27/2010 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER KEENAN, JAMES W				
ART UNIT 3652		PAPER NUMBER		
NOTIFICATION DATE 08/27/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary

Application No.

10/036,802

Applicant(s)

FUJII ET AL.

Examiner

James Keenan

Art Unit

3652

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 11-15, 24-33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11-15, 24-33 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9, 11-15, 24-28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muka et al (US 5,613,821) in view of Briner et al (US 5,810,537) and Ueda et al (US 6,074,154), all previously cited.

Muka shows an apparatus for transporting a dust-free article, comprising a container 32 for receiving dust free articles therein and which is mountable on a loader 60 such that the entire container remains in a low cleanliness room while a cover 42 to be removed from the container faces a high cleanliness room 22, wherein the loader comprises an opening portion 78 disposed in the low cleanliness room in a border location between the high and low cleanliness rooms and a door 80 for opening and closing the opening portion, and further wherein the container comprises an opening port 38 through which the article is transferred to the high cleanliness room, the cover 42 is unified with the door 80 in the low cleanliness room and moves with the door to open and close the opening portion, and a fixing means 50-56 (fig. 5) fixes the cover to the port when the article is enclosed in the container.

The high cleanliness room is not disclosed as having a higher pressure than the low cleanliness room, nor is there a gap around the door to allow air to flow from the high pressure, high cleanliness room.

Briner shows loader 10, stage 12 with movable lift ring 16, container 36 with cover 38, and door 26 in opening portion of wall 24 that separates a low cleanliness room from a high cleanliness room, wherein the high cleanliness room has a higher pressure than the low cleanliness room.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Muka such that the high cleanliness room had a higher pressure than the low cleanliness room, as suggested by Briner, as a means of preventing contamination.

Briner additionally shows the door to have "a slight air gap around its periphery" between it and the opening portion through which air flows out from the high cleanliness room (col. 5, lines 3-19). To have included this additional feature in the apparatus of Muka would have been obvious to further reduce contamination.

Muka also does not show a horizontally movable stage and a means for moving the stage away from the wall that separates the low and high cleanliness rooms to separate the container from the cover when unified with the door.

Ueda shows in figures 6-9 (see in particular fig. 8E) movable stage 80 and a means 82 for horizontally moving the stage and a wafer container CR thereon away from a wall 32 that separates low and high cleanliness rooms in a wafer processing apparatus, to separate the container from its cover 44 when unified with door 49 (col. 10, lines 60-65). This is disclosed as a desirable alternative to systems without a movable stage; in fact, it is an alternative embodiment to systems (figs. 10-18 and 19-21 embodiments) in which the cover removing mechanism performs both the Y-axis

(horizontal) and Z-axis (vertical) movements, and explicitly recites the benefits of simplifying the cover removing mechanism and of generating fewer dust particles (col. 12, lines 1-6).

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified Muka by utilizing a driver to move the stage horizontally away from the wall to separate the container from the unified cover/door assembly, as shown by Ueda, to provide the art recognized advantages of a simplified cover removal mechanism which generates fewer dust particles.

Re claims 11, 26 and 33, note front cover 70 of Muka.

Re claims 12 and 25, see figure 9 of Muka.

Re claim 13, the feature is clearly shown by Ueda.

Re claim 14, although Muka does not show the container to include a protrusion with a hole in which a pin is inserted to unify the cover and door, a similar structure including recess 186 into which fingers 194 are inserted is shown in figures 13-15. it would have been obvious for one of ordinary skill in the art at the time of the invention to have additionally modified the apparatus of Muka by utilizing a protrusion with a hole in place of the recess, as this would simply be an alternate equivalent design expediency.

Re claims 15 and 27, note "driving device" 82 of Ueda.

Re claim 28, although Muka does not explicitly teach an air cleaning device, the addition of such a feature is considered an obvious design expediency, in light of the fact that: a) Muka is used in a clean environment, and b) such devices are generally well known in this art, particularly since no structural details are recited.

3. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muka et al in view of Briner et al and Ueda et al, as applied to claims 9, 11-15, 24-28, and 32-33 above, and further in view of Toshima et al (US 5,186,594), previously cited.

While the mini-environment of Muka is properly considered a "low cleanliness room", as broadly recited, at least under certain circumstances (as thoroughly explained in previous Office actions and acknowledged by the Board of Appeals in their decision affirming the examiner's rejection), it is unclear if the mini-environment is less clean than the high cleanliness room while the dust-free article is being transferred, and thus there is no explicit disclosure that the loader is located in the low cleanliness room while the article is being transferred, as now recited in claim 29.

Toshima, however, shows a door opener 24 (loader) for opening and closing a door 21 disposed in a border region between a load lock 8 (high cleanliness room) and an outside environment (low cleanliness room), wherein the loader is disposed in the low cleanliness room while a cassette containing dust-free articles is transferred between the low and high cleanliness rooms.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the method of Muka by locating the loader in the low cleanliness room while the dust-free articles were being transferred, as suggested by Toshima, to provide even further assurance that no particles generated by the loader could contaminate the high cleanliness room.

4. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muka et al in view of Briner et al and Ueda et al, as applied to claims 9, 11-15, 24-28, and 32-33 above, and further in view of Bonora et al (US 5,895,191), previously cited.

Muka as modified does not show the surface of the container at which the seal is formed at the opening port to be angled to a direction of movement of the cover by the driving apparatus, so as to avoid friction when removing the cover.

Bonora shows (see in particular fig. 15) a wafer container having a surface at which a seal is formed with an opening port to be angled to a direction of movement of a cover removing mechanism so that friction is not generated when the cover is removed, thereby reducing contamination (col. 8, lines 14-55).

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the apparatus of Muka by utilizing a container with an angled surface cooperating with the sealing surface on the opening port to match the direction of movement of the cover removing mechanism so as to avoid generating friction when removing the cover, as taught by Bonora, to reduce particle contamination.

5. Applicant's arguments with respect to claims 9, 11-15, 24-33, and 35 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on Mon. - Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Keenan/
Primary Examiner
Art Unit 3652

jwk
8/25/10